

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

16518.145

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/508401

PRIORITY DATE CLAIMED

21 March 2002 (21.03.2003)

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PCT/US03/08610

21 March 2003 (21.03.2003)

TITLE OF INVENTION

Nucleic Acid Constructs and Methods for Producing Altered Seed Oil Compositions

APPLICANT(S) FOR DO/EO/US

Joanne J. FILLATTI *et al.*

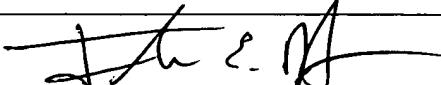
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. The US has been elected (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US); however, a courtesy copy is attached.
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A preliminary amendment.
14. An Application Data Sheet under 37 CFR 1.76.
15. A substitute specification.
16. A power of attorney and/or change of address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821 – 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: Statement Regarding Sequence Submission

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/508 401		INTERNATIONAL APPLICATION NO. PCT/US03/08610		ATTORNEY'S DOCKET NUMBER 16518.145	
21. <input checked="" type="checkbox"/> The following fees are submitted:				CALCULATIONS PTO USE ONLY	
BASIC NATIONAL FEE (37 CFR 1.492(a) (1) – (5)):					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$1,080.00					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....\$920.00					
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International search fee (37 CFR 1.445(a)(2)) paid to USPTO\$770.00					
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)\$730.00					
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =					
\$ 770.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					
\$ 130.00					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		72 - 20 =	52	x \$18.00	\$ 936.00
Independent claims		13 - 3 =	10	x \$86.00	\$ 860.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$290.00	\$
TOTAL OF ABOVE CALCULATIONS =					
\$ 2,696.00					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.					
SUBTOTAL =					
\$ 2,696.00					
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					
+					
\$					
TOTAL NATIONAL FEE =					
\$ 2,696.00					
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.21). \$40.00 per property					
+					
\$					
TOTAL FEES ENCLOSED =					
\$ 2,696.00					
Amount to be refunded:					
\$					
Amount to be charged:					
\$					
<p>a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 50-2387 in the amount of \$ <u>2,696.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2387. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
ARNOLD & PORTER LLP					
Attn: IP Docketing					
555 Twelfth Street, N.W.					
Washington, DC 20004					
Filed: <u>September 21, 2004</u>					
 SIGNATURE					
David R. Marsh/Thomas E. Holsten					
NAME					
41,408/46,098					
REGISTRATION NUMBER					

ARNOLD & PORTER LLP

September 21, 2004

Thomas E. Holsten
Thomas_Holsten@aporter.com
202.942.5085
202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

Mail Stop PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. National Phase Application based on
Int'l Appln. No. PCT/US03/08610 filed 21 March 2003
Earliest Priority Date: 21 March 2002
Inventors: Joanne J. FILLATTI *et al.*
Title: Nucleic Acid Constructs and Methods for Producing
Altered Seed Oil Compositions
Atty Docket: 16518.145

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 (PTO-1390), in duplicate;
2. U.S. National Phase Application entitled:

Nucleic Acid Constructs and Methods for Producing Altered Seed Oil Compositions,

and naming as inventors:

Joanne J. FILLATTI, Neal A. BRINCE, and Katayoon DEHESH;

the application consisting of:

a. specification containing:

- (i). 2 pages of bibliographic data and published abstract from WO 03/080802 A2 (publication of Int'l Appln. PCT/US03/08610);
- (ii). 59 pages of a description prior to the claims; and
- (iii). 11 pages of claims (72 claims);

ARNOLD & PORTER LLP

Commissioner for Patents
Atty. Dkt.: 16518.145
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- b. 25 pages of a sequence listing; and
- c. 17 sheets of Drawings (Figures 1-4, 5(a)-5(d), 6(a)-6(c), and 7-15);
- 3. Floppy diskette containing sequence listing in computer-readable form;
- 4. Statement Regarding Sequence Submission; and
- 5. Two (2) return postcards.

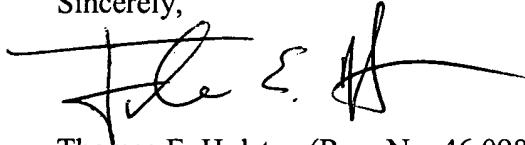
This application claims priority to U.S. Provisional Application No. 60/365,794 filed March 21, 2002, and to U.S. Provisional Application No. 60/390,185 filed June 21, 2002.

Submitted herewith is a paper copy of the sequence listing and a floppy diskette containing the sequence listing in Computer Readable Form (CRF). The enclosed floppy diskette contains one file called "OmniSoy for PCT.txt" which is 45,784 bytes in size (measured in MS-DOS) and was created on March 21, 2003.

Please stamp one of the two attached postcards with the filing date of these documents and return it to our courier, and stamp the other prepaid postcard with the filing date and unofficial application number and return it as soon as possible.

This application is being submitted without an executed Declaration. Authorization to charge the filing fees to counsel's deposit account is given in the accompanying Form PTO-1390. Applicants do not believe any additional fees, other than those provided for on the accompanying Form PTO-1390 are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, authorization is given in the accompanying Form PTO-1390 to charge such fees to counsel's deposit account.

Sincerely,



Thomas E. Holsten (Reg. No. 46,098)
David R. Marsh (Reg. No. 41,408)

Enclosures